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January 5, 2018

VIA EMAIL & FIRST CLASS MAIL

Representative Devin Nunes, Chairman
Representative Adam Schiff, Ranking Member
Permanent Select Committee on Intelligence
U.S. House of Representatives
Capitol Visitor Center HVC-304
U.S. Capitol Building
Washington, DC 20515

Dear Chairman Nunes and Ranking Member Schiff:

I represent David Kramer, who appeared voluntarily on Tuesday, December 19, 2017, at a closed session of the House Permanent Select Committee on Intelligence (the "Committee").

Prior to Mr. Kramer's appearance, as well as during the session itself, I asked for and received repeated assurances not only from Committee staff but also from Members that Mr. Kramer's testimony would be considered confidential under House and Committee rules, and that the Committee would safeguard and protect from public disclosure both the fact of Mr. Kramer's appearance and, of course, the content of his testimony. As we discussed, this confidentiality commitment was critically important to Mr. Kramer because public disclosure of these matters could place him (and others) at risk of serious harm. In the absence of these assurances, Mr. Kramer would not have agreed to appear voluntarily before your Committee, much less testify so fully, including as to matters that have already placed him in harm's way.

Less than two hours after Mr. Kramer left the Capitol Visitor's Center, the fact of his appearance was reported in the press. *See* Katie Bo Williams, *House Intel Panel Interviews Key Figure in Trump Dossier Saga*, *The Hill* (Dec. 19, 2017, 1:47 p.m.), <http://thehill.com/policy/national-security/365631-house-intel-panel-interviews-key-figure-in-trump-dossier-saga>. Moreover, as I recounted in my December 23, 2017, letter (which was addressed to Representatives Conaway and Schiff because they were the senior Members who attended the December 19 session), on Friday, December 22, I received a very disturbing phone call: Private counsel for another witness before the Committee contacted me to ask for Mr. Kramer's assistance. Counsel reported that he had received a call from a Committee source, and he then purported to recount specific details from Mr. Kramer's testimony.

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Faced with such a clear violation of Committee Rule 12 – as well as the promises of strict confidentiality made to Mr. Kramer by Committee staff and Members – I immediately wrote to bring this breach to the Committee's attention. I fully expected that I would receive a response echoing my own outrage and pledging to get to the bottom of this serious violation of House and Committee rules ostensibly by someone working for the Committee.

Instead, on December 27 at 2:49 p.m., I received a subpoena from the Committee for Mr. Kramer's deposition, signed by Chairman Nunes. And *just 10 minutes after that* – at 2:59 p.m. – Byron York of the Washington Examiner posted a story reporting on the subpoena and purporting to provide yet additional details from Mr. Kramer's testimony, gleaned from a Committee source. See Bryon York, *McCain Associate Subpoenaed in Trump Dossier Probe* (Dec. 27, 2017, 2:59 p.m.), The Washington Examiner, <http://www.washingtonexaminer.com/byron-york-mccain-associate-subpoenaed-in-trump-dossier-probe/article/2644460>. The leaks have since been further disseminated by additional media outlets. See, e.g., *Investigators Want Info on Sources Behind Anti-Trump Dossier*, Fox News (Dec. 28, 2017, 4:49 p.m.), <http://video.foxnews.com/v/5695186672001/?#sp=show-clips>; Kristina Wong, *House Intel Committee Subpoenas McCain Associate David Kramer for Trump Dossier Answers*, Breitbart News Network (Dec. 27, 2017), <http://www.breitbart.com/big-government/2017/12/27/house-intel-committee-subpoenas-mccain-associate-david-kramer-for-trump-dossier-answers/>; Chuck Ross, *House Panel Subpoenas McCain Associate for Names of Steele's Dossier Sources*, The Daily Caller (Dec. 27, 2017, 3:49 p.m.), <http://dailycaller.com/2017/12/27/house-panel-subpoenas-mccain-associate-for-names-of-steeles-dossier-sources/>.

This pattern of leaking is inexcusable and in clear violation of the Committee's own rules and the express assurances made to my client. What is more, the latest leaks went to *the press*, thereby amplifying by orders of magnitude the potential risk of harm faced by my client (and others) – risks whose validity and seriousness several Members purported to acknowledge at the December 19 session.

I call upon you both to identify the source(s) of these leaks and to take swift and appropriate measures now to discipline the wrongdoer(s). It should not be difficult to ferret out the leaker(s). The fact that Mr. York was able to post a detailed account of Mr. Kramer's purported testimony almost immediately after the subpoena was issued strongly suggests that Mr. York's source leaked the information to him a sufficient amount of time *before* the subpoena was issued, and simply asked Mr. York to embargo the information until the issuance. You might therefore wish to begin your inquiry with the subset of Committee Members and staff who were aware of Chairman Nunes's issuance of the subpoena enough time before 2:49 p.m. to enable Mr. York to post a detailed news article only ten minutes later.

Finally, and in all events, I would ask that, in light of this pattern of repeated and highly prejudicial leaking, the Committee revisit its decision to insist on further testimony from Mr. Kramer. As you know, Mr. Kramer has already testified before this Committee, at great length and at considerable personal risk. Given all of the present circumstances, including those reflected in this letter and the personal risks to Mr. Kramer and third parties (as disclosed to the Committee

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in Mr. Kramer's testimony), the appropriate course of action is to withdraw the subpoena for further testimony.

Very truly yours,

A handwritten signature in cursive script that reads "Lawrence S. Robbins/db".

Lawrence S. Robbins

cc: Hon. K. Michael Conaway
Nick Ciarlante
Kashyap Patel
Scott Glabe
Mark Stewart
Wells Bennett
Maher Bitar
Shannon Green